
EVALUATOR MANUAL TRANSMITTAL SHEET

Distribution:

☒ **All Child Care Evaluator Manual Holders**
☐ **All Residential Care Evaluator Manual Holders**
☐ **All Evaluator Manual Holders**

Transmittal No.
08APX--06

Date Issued

October 2008

Subject:

Evaluator Manual – Appendix E

Communication Agreement between the Community Care Licensing Division, California Department of Social Services and the California Child Care Resource and Referral Network

Reason for Change:

To replace the Communication Agreement (99APX-09) with the updated Communicate Agreement (08APX-06).

Filing Instructions:

REMOVE — Communication Agreement between the Community Care Licensing Division, California Department of Social Services and the California Child Care Resource and Referral Network (99APX-09)

INSERT — Communication Agreement between the Community Care Licensing Division, California Department of Social Services and the California Child Care Resource and Referral Network (08APX-06)

Approved:

ORIGINAL SIGNED BY LINDA INGLETT

10/7/08

LINDA INGLETT, Chief
Child Care Policy and Support Bureau
Community Care Licensing Division

Date

Contact Person: Ruth McGregor

Phone Number: (916) 229-4500

Communication Agreement between the Community Care Licensing Division, California Department of Social Services (CCLD/CDSS) and the California Child Care Resource and Referral (R&R) Network

April 2008

This is to confirm the agreement on communication and information sharing between CCLD/CDSS (and counties that administer family child care licensing) and the California Child Care R&R Network (Network) and their member agencies (R&R). This agreement pertains to R&Rs funded through the California Department of Education and applies only to documentation available in CCLD's public files as set forth in Health and Safety Code Section 1596.853. Furthermore, this agreement is based upon CCLD/CDSS's interpretation of Health and Safety Code Section 1596.853 that they are not permitted to notify R&Rs when they begin an investigation into a complaint.

I. CCLD Responsibilities

- A. The CCLD will notify the appropriate R&R by telephone within two working days of Temporary Suspension Orders (TSOs). Copies of TSOs will be faxed and/or e-mailed to the R&Rs as soon as possible thereafter (but not to exceed two working days).
- B. The CCLD will notify the appropriate R&R by telephone within 24 hours of the following: substantiation of any complaint allegations involving sexual or physical abuse and licensee or staff using, selling or manufacturing drugs, resulting in possible felony offenses. CCLD will follow up by fax and/or e-mail within one working day.
- C. The CCLD will notify the appropriate R&R within two working days by fax and/or e-mail of a revocation or when a provider is placed on probation.
- D. The CCLD will mail and/or e-mail copies of Accusations, Decision and Orders, or Stipulations to the appropriate R&R within two working days of receipt in the CCLD Child Care Regional Office (RO).
- E. The CCLD will provide the appropriate R&R with licensing reports or letters documenting the outcome of a Noncompliance Conference within five working days of completion.
- F. Every January & July, CCLD will provide to each R&R a list of all licensed child care facilities by zip code, separated by center based and family child care.
- G. The CCLD will notify the R&Rs monthly of new or amended licenses, denials and closures
- H. Each CCLD RO will provide to each R&R in its service area a staffing list that includes each analyst's name, phone number, area(s) of service, supervisor and manager. This list will be provided quarterly at regional meetings or by other means.

II. R&R Responsibilities

- A. The R&Rs will maintain appropriate confidentiality with respect to any information received from CCLD. Special notation: information on small family child care providers may only be disseminated in a way consistent with current laws and regulations, i.e., to families seeking child care.
- B. The R&Rs will direct personally witnessed licensing violations, as defined in I.B. CCLD Responsibilities listed above, to CCLD.
- C. The R&Rs will refer complainants to CCLD. The R&Rs will follow up with the CCLD RO on all complaint allegations defined in I.B. CCLD Responsibilities listed above.
- D. The R&Rs must, within two working days, remove a licensed child care facility from the R&R referral files if the provider is placed on probation, has a license revoked or receives a TSO, as required in Education Code Section 8212 (e)(1).
- E. The R&Rs must, within two working days, notify Alternative Payment Programs and CalWORK's child care subsidy programs in their service area that a provider has received a TSO, had their license revoked or been placed on probation, as required in Education Code Section 8212 (e)(1).
- F. The R&Rs will notify anyone who requests a referral of their right to review licensing reports as required in Health & Safety Code Section 1596.859 and will refer to CCLD appropriate inquiries or concerns from parents, applicants or licensees.
- G. The R&R will provide CCLD with facility status updates at least quarterly at the regional CCL meetings or by other means. Changes shall include providers no longer in operation, those who have moved or other pertinent changes such as name changes.

III. Joint Responsibilities

- A. Each CCLD Child Care RO will meet quarterly with the R&Rs in the area it serves, unless the RO and the R&Rs agree that a quarterly meeting is unnecessary. However, such meetings will not occur less than semiannually.
- B. Each CCLD Child Care RO and R&R will designate a staff liaison to handle the most sensitive issues of mutual concern. More routine matters may be handled by appropriate staff members at each respective office.
- C. As necessary, CCLD Child Care Program Office staff and field staff will meet with representatives of the Network to discuss child care laws, regulations and policies and any other issues of mutual concern.
- D. R&Rs (one R&R per orientation) will be provided at least 15 minutes to present information on available services at licensing orientation meetings dependent on R&R staffing availability. Specifics to be coordinated between

the R&Rs in the region and the CCLD regional staff. Content guidelines will be developed and implemented statewide.

- E. The CCLD and the Network will cooperate and collaborate on responses to the media regarding issues of mutual concern. Each will allow the other to review and comment on any proposed public document that describes the services provided by the other.
- F. The CCLD and the Network will each develop internal procedures and training opportunities that promote the implementation of this agreement.
- G. The CCLD and the Network will jointly review this agreement at least once every five years, or more often as necessary

This list is not all-inclusive, but is intended to be the basis for communication and information sharing between our agencies. We are committed to working together and sharing information to the mutual benefit of our agencies and all California children served by licensed child care facilities.

If you have any questions, please contact Gloria Merk, Statewide Child Care Program Administrator, at (916) 229-4500 or Patty Siegel, Executive Director, California Child Care R&R Network at (415) 882-0234.

Original Signed by Jo Frederick

Jo Frederick, Deputy Director
Community Care Licensing Division
California Dept. of Social Services

Original Signed by Patty Siegel

Patty Siegel, Executive Director
California Child Care R&R Network

Definitions:

Accusation – A written statement of charges, including the statutory or regulatory violations or other deficiencies, upon which a request is made to revoke a license with or without a suspension. The Accusation, also known as a pleading, is prepared by the Legal Division of the California Department of Social Services and is based on the Statement of Facts prepared by the Licensing Program Analyst.

Appropriate Confidentiality – An action or communication to someone for an exclusive purpose that is not in violation of state or federal law or prohibited by contract terms.

Decision and Order – The Department’s final determination after an administrative law judge has issued a proposed decision. The licensee or applicant may appeal the Decision by filing a writ in Superior Court. A Decision and Order may result from the parties stipulating to certain terms and conditions, which are then incorporated into a Decision and Order. A licensee or applicant may not appeal a Decision that is reached by way of Stipulation.

Facility Status Update – The current status of operation of a child care program: i.e., provider discontinued providing care (but license is still active), phone number has been changed, etc.

Non-compliance Conference – A meeting held with the licensee at the request of the Regional Office Manager, which includes the Licensing Unit Manager, and Licensing Program Analyst. The purpose of this meeting is to discuss serious noncompliance issues and the consequences for failure to correct, such as referral to the Legal Division for revocation of the facility license.

Stipulation – An agreement between the Department and either a licensee or applicant to resolve a case. The Stipulation is then included in a Decision and Order. The stipulation may include a provision to revoke a license or revoke a license and stay the actual revocation and place the license on probation with terms and conditions. During this period, the licensee is permitted to operate, provided that he or she complies with specific terms and conditions set out in the Decision and Order. The period during which the licensee may operate subject to these conditions is known as the period of “**probation.**”

Substantiated Complaint – A complaint allegation that has been determined to be valid and the facility is cited.

Temporary Suspension Order – An order signed by a CDSS Deputy Director, usually the Deputy Director of Licensing, or someone delegated by the Deputy Director of Licensing, suspending a license to protect residents or clients from physical or mental abuse, abandonment or any other substantial threat to their health and safety.